



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**Germain's, Inc.**

Whereas, THERE HAS BEEN PRESENTED TO THE

**Secretary of Agriculture**

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW THEREFORE THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *eighteen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REFRESHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (24 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

DURUM WHEAT

'D-5003

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C.

this 23rd day of September in the year of our Lord one thousand nine hundred and eighty-two

Attest

*Kenneth H. ...*

Commissioner  
Plant Variety Protection Office  
Grain Division  
Agricultural Marketing Service

*John R. Block*  
Secretary of Agriculture



## APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.

1. VARIETY NAME OR TEMPORARY DESIGNATION <b>D-5003</b>		2. KIND NAME <b>Durum Wheat</b>		FOR OFFICIAL USE ONLY PVPO NUMBER <b>8200103</b>	
3. GENUS AND SPECIES NAME <b>Triticum durum</b>		4. FAMILY NAME (Botanical) <b>Gramineae</b>		FILING DATE <b>4/14/82</b>	
		5. DATE OF DETERMINATION <b>June 19, 1979</b>		TIME <b>10 A.M.</b>	
		FEE RECEIVED <b>\$500.00</b>		CHARGES <b>\$250.00 7/19/82</b>	
6. NAME OF APPLICANT(S) <b>Germain's, Inc.</b>		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) <b>P. O. Box 12447 Fresno, CA 93777</b>		8. TELEPHONE AREA CODE AND NUMBER <b>209-233-8823</b>	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) <b>Corporation</b>		10. STATE OF INCORPORATION <b>California</b>		11. DATE OF INCORPORATION <b>5/24/09</b>	
12. Name and mailing address of applicant representative(s), if any, to serve in this application and receive all papers: <b>Nathan A. Johnson, Director of Research Germain's, Inc. P. O. Box 12447 Fresno, CA 93777</b>					

## 13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

☒ 12A. Exhibit A, Origin and Breeding History of the Variety (See Section 52, P.L. 91-577)☒ 12B. Exhibit B, Botanical Description of the Variety☒ 12C. Exhibit C, Objective Description of the Variety☒ 12D. Exhibit D, Data Indicative of Novelty☒ 12E. Exhibit E, Statement of the Basis of Applicant's Ownership

**No foreign applications 4/27/82**

The applicant declares that a viable sample of basic seed of this variety will be deposited upon request before issuance of a certificate and will be replenished periodically in accordance with such regulations as may be applicable. (See Section 52, P. L. 91-577).

14A. Does the applicant(s) specify that seed of this variety be sold by variety name only as a class of certified seed? (See Section 83(a), P.L. 91-577) (If "Yes," answer 14B and 14C below.) ☒ YES ☐ NO

14B. Does the applicant(s) specify that this variety be limited as to number of generations? ☒ YES ☐ NO

14C. If "Yes," to 14B, how many generations of production beyond breeder seed?

**Foundation, Registered, Certified**

Applicant is informed that false representation herein can jeopardize protection and result in penalties.

The undersigned applicant(s) of this sexually-reproduced novel plant variety believes that the variety is distinct, uniform, and stable as required in Section 41 and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act (P.L. 91-577).

April 1, 1982

(DATE)

**Nathan A. Johnson**

(SIGNATURE OF APPLICANT)

(DATE)

(SIGNATURE OF APPLICANT)

8200103



EXHIBIT A

Origin and Breeding History

1. D-5003 originated from an F2 Bulk population from the CIMMYT Wheat program in Mexico in 1975. The pedigree of D-5003 is unknown.
2. Successive generations and selections were grown at Fargo, North Dakota and Yuma, Arizona.
3. Initial yield test began in 1978 with subsequent yield testing in the University of California Regional Yield Trials throughout California from 1979 to 1981 (data attached) demonstrating superior yield advantage over all other Durums tested.
4. The variety D-5003 has been <sup>genetically and uniform</sup> stable for the last three generations and remains the same when reproduced. **D-5003 has no variants.**

4/27/82

8200103



EXHIBIT B

Botanical Description

Height: Short statured, 8 to 12 cm. shorter than Mexicali 75.

Straw Strength: Very good straw strength with resistance to lodging. Superior to Mexicali 75.

Heading Time: Similar to Mexicali 75.

Grain Type: Hard amber durum, although a high susceptibility to Yellow Berry (40% - 70%) can be expected with D-5003 when grown in the Central Valley of California and Arizona.

Spike Characteristics: Fully awned, white glumes. Awns are black and become lighter when mature with the lower half of awn remaining black when mature.

Shatter Resistance: Good shatter resistance. Slightly superior to Mexicali 75.

Disease Reaction: Although not specifically tested for disease, no disease problems were observed during the last four years of testing throughout California and Arizona.

OBJECTIVE DESCRIPTION OF VARIETY  
WHEAT (TRITICUM SPP.)

INSTRUCTIONS: See Reverse.

NAME OF APPLICANT(S)

Germain's, Inc.

ADDRESS (Street and No. of R.F.D. No., city, State, and ZIP Code)

P.O. Box 12447  
Fresno, CA 93777

FOR OFFICIAL USE ONLY

PVPO NUMBER

8200103

VARIETY NAME OR TEMPORARY  
DESIGNATION

D- 5003

Place the Appropriate number that describes the varietal character of this variety in the boxes below.

Place a zero in first box (e.g.  or ) when number is either 37 or less or 9 or less.

1. KIND:

1 = COMMON 2 = DURUM 3 = EMMER 4 = SPELT 5 = POLISH 6 = POULARD 7 = CLUB

2. TYPE:

1 = SPRING 2 = WINTER 3 = OTHER (Specify) \_\_\_\_\_ 1 = SOFT 2 = HARD 3 = OTHER (Specify) \_\_\_\_\_

1 = WHITE 2 = RED 3 = OTHER (Specify) Amber

3. SEASON - NUMBER OF DAYS FROM EMERGENCE TO:

FIRST FLOWERING  LAST FLOWERING

4. MATURITY (50% Flowering):

NO. OF DAYS EARLIER THAN  NO. OF DAYS LATER THAN  1 = ARTHUR 2 = SCOUT 3 = CHRIS  
4 = LEMHI 5 = NUGAINES 6 = LEEDS  
7 = Mexicali 75

5. PLANT HEIGHT (From soil level to top of head):

CM. HIGH  
CM. TALLER THAN  CM. SHORTER THAN  1 = ARTHUR 2 = SCOUT 3 = CHRIS  
4 = LEMHI 5 = NUGAINES 6 = LEEDS  
7 = Mexicali 75

6. PLANT COLOR AT BOOTING (See reverse):

1 = YELLOW GREEN 2 = GREEN 3 = BLUE GREEN

7. ANTHR COLOR:

1 = YELLOW 2 = PURPLE

8. STEM:

Anthocyanin: 1 = ABSENT 2 = PRESENT

Hairiness of last internode of rachis: 1 = ABSENT 2 = PRESENT

NO. OF NODES (Originating from node above ground)

Waxy bloom: 1 = ABSENT 2 = PRESENT

Internodes: 1 = HOLLOW 2 = SOLID

CM. INTERNODE LENGTH BETWEEN FLAG LEAF AND LEAF BELOW

9. AURICLES:

Anthocyanin: 1 = ABSENT 2 = PRESENT

Hairiness: 1 = ABSENT 2 = PRESENT

10. LEAF:

Flag leaf at booting stage: 1 = ERECT 2 = RECURVED 3 = OTHER (Specify): \_\_\_\_\_

Hairs of first leaf sheath: 1 = ABSENT 2 = PRESENT

MM. LEAF WIDTH (First leaf below flag leaf)

Flag leaf: 1 = NOT TWISTED 2 = TWISTED

Waxy bloom of flag leaf sheath: 1 = ABSENT 2 = PRESENT

CM. LEAF LENGTH (First leaf below flag leaf):

FCYH GR-470-6 (REVERSE)

## 11. HEAD:

cl 4 Shape: 41 = OTHER TAPERING (Specify) 2 = STRAP Oblong 3 = CLAVATE

Density: 1 = LAX 2 = DENSE

5/17/82

Awnedness: 1 = AWNLESS 2 = APICALLY AWNLETTED 3 = AWNLETTED 4 = AWNED  
1 = WHITE 2 = YELLOW 3 = PINKColor at maturity: 5 = BROWN 7 = OTHER (Specify): White heads with lower half of awns being black

5/17/82

9 CM. LENGTH 1 9 MM. WIDTH

heads being tan at top and progressively dark at bottom.  
5/17/82

## 12. GLUMES AT MATURITY:

Length: 1 = SHORT (CA. 7 mm.) 2 = MEDIUM 3 = LONG (CA. 9 mm.) Width: 1 = NARROW (CA. 3 mm.) 2 = MEDIUM (CA. 3.5 mm.) 3 = WIDE (CA. 4 mm.)

2 1 Glabrous 2 Pubescent

Shape: 1 = SQUARE 2 = ELEVATED 3 = APICULATE 4 = ROUNDED 5 = OBLIQUE 6 = ROUNDED  
Beak: 1 = OBTUSE 2 = ACUTE 3 = ACUMINATE

## 13. COLEOPTILE COLOR:

1 = WHITE 2 = RED 3 = PURPLE 1 = 1 ABSENT 2 = PRESENT

## 15. JUVENILE PLANT GROWTH HABIT:

3 1 = PROSTRATE 2 = SEMI-ERECT 3 = ERECT

## SEED:

3 Shape: 1 = OVATE 2 = OVAL 3 = ELLIPTICAL 2 Cheek: 1 = ROUNDED 2 = ANGULAR

1 Brush: 1 = SHORT 2 = MEDIUM 3 = LONG a 1 Brush: 1 = NOT COLLARED 2 = COLLARED

Phenol reaction (See instructions): 1 = IVORY 2 = FAWN 3 = LT. BROWN 4 = BROWN 5 = BLACK

2 Color: 1 = WHITE 2 = AMBER 3 = RED 4 = PURPLE 5 = OTHER (Specify)

0 8 MM. LENGTH 0 4 MM. WIDTH 6 1 GM. PER 1000 SEEDS

## 17. SEED CREASE:

2 Width: 1 = 60% OR LESS OF KERNEL 'WINOKA' 2 = 80% OR LESS OF KERNEL 'CHRIS' 3 = NEARLY AS WIDE AS KERNEL 'LEMHI'  
2 Depth: 1 = 20% OR LESS OF KERNEL 'SCOUT' 2 = 35% OR LESS OF KERNEL 'CHRIS' 3 = 50% OR LESS OF KERNEL 'LEMHI'

## 18. DISEASE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

0 STEM RUST (Races) 0 LEAF RUST (Races) 0 STRIPE RUST (Races) 0 LOOSE SMUT  
0 POWDERY MILDEW 0 BUNT 0 OTHER (Specify)

## 19. INSECT: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

0 SAWFLY 0 APHID (Bydv.) 0 GREEN BUG CEREAL LEAF BEETLE  
OTHER (Specify) HESSIAN FLY GP A B C D E F G  
RACES:

## 20. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED:

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Plant tillering	Mexicali 75	Seed size	Mexicali 75
Leaf size	Mexicali 75	Seed shape	Mexicali 75
Leaf color	Mexicali 75	Coleoptile elongation	Mexicali 75
Leaf carriage	Mexicali 75	Seedling pigmentation	Mexicali 75

## INSTRUCTIONS

GENERAL: The following publications may be used as a reference aid for the standardization of terms and procedures for completing this form:

(v) L.W. Briggie and L. P. Reitz, 1963, Classification of Triticum Species and Wheat Varieties Grown in the United States, Technical Bulletin 1278, United States Department of Agriculture.(b) W.E. Walls, 1965, A Standardized Phenol Method for Testing Wheat Seeds for Varietal Purity, contribution No. 28 to the handbook of seed resting prepared by the Association of Official Seed Analysts. (See attachment.)

LEAF COLOR: Nickerson's or any recognized color fan should be used to determine the leaf color of the described variety.



EXHIBIT D (Revised)

Data Indicative of Novelty

D-5003 was evaluated in Germain's Yield Trials in 1979, 1980, and 1981, demonstrating superior yield characteristics over other durums grown in California and Arizona. D-5003 was tested extensively in the University of California 1981 Regional Cereal Trials.

D-5003 most closely resembles Produra, since both are semi-dwarfs with black awns; however, D-5003's awns become lighter at maturity than Produra, and D-5003 is 5-8 cm shorter than Produra and approximately 10 days later in maturity. D-5003 also differs from Produra in that D-5003 has anthocyanin present in the auricles, whereas it is absent in Produra, and Produra has hairy auricles, whereas D-5003 is absent of hairiness. Another distinguishing characteristic is the twisted flag leaf of D-5003, whereas Produra is not twisted.

Table I shows comparative grain yields of D-5003, Mexicali 75 and Aldura. When comparing yields of these three varieties in the same trials, D-5003 shows a 25% yield advantage over Mexicali 75 and a 6% yield advantage over Aldura.

Table II indicates the lodging resistance of D-5003 to be superior to Mexicali 75 and equal to Aldura.

Table III shows that D-5003 is susceptible to yellow berry and Mexicali 75 and Aldura being resistant.

8200103



EXHIBIT E

Statement of Applicant's Ownership:

Germain's, Inc., Fresno, California believes it is the sole, original and first breeder of D-5003 Durum Wheat for which it solicits a Certificate of Protection.



STATE=ARIZONA STATION=SIERRA VISTA NURSERY=SPECIALS

VARIETY	STD	TW	1000 KWT	X LG SM	WHT PRO	TOT EXT	SEMO EXT	DUS	MX	SPK	SEMO MIN	FALL NO	SEMO PRO	VI	FIRM	RES	VALU	DEFICIENCIES												
																		TW	KW	SM	WP	TX	SX	DU	SK	SP	VI	PR		
1981 STANDARD	S	61.7	39.5	28	2	15.1	75.4	53.0		2	50	0.61	462		5.53	6.0														
ALDURA		59.7	38.8	35	2	12.9	73.4	53.4		4	27	0.60	525	11.5	15.0	5.96	6.0													
GEM		60.5	45.2	59	1	12.6	74.9	54.9		33	0.59	464	12.3	12.0	7.99	4.2	3													
MEXICALI		59.5	44.2	58	2	13.4	73.4	53.3		6	27	0.61	441	10.9	13.0	6.72	4.5	1												
PRODURA		59.2	59.2	40.8	36.2	61	14.1	73.5	55.3	3	20	0.63	453	12.9	11.5	6.88	4.3	4												
1000 D		58.1	45.0	62	1	13.2	72.6	55.2		6	50	0.63	499																	
5003		59.4	44.2	65	1	12.6	75.7	58.4		6	10	0.64	525	11.3	14.5	7.13	4.9	3												

DEFIC	TW	KW	SW	WP	TX	6%	DU	SK	SP	VI	FR
AVG OF STANDARDS	61.7	39.5	2	15.1	75.4	53.0	50	13.4	9.0	5.53	
MINOR FAULTING VALUES	59.5	37.4	7	12.5	72.9	50.0	60	11.5	8.0	4.03	
MAJOR FAULTING VALUES	58.6	34.4	12	11.5	71.9	49.0	65	11.0	7.5	3.28	

• O EVALUATION 1= NO PROMISE, 2= LITTLE PROMISE, 3= SOME PROMISE, 4= GOOD PROMISE

STATE=ARIZONA STATION=TACNA NURSERY=SPECIALS

VARIETY	STD	TW	1000 KWT	X LG SM	WHT PRO	TOT EXT	SEMO EXT	DUS	MX	SPK	SEMO WIN	FALL NO	SEMO PRO	VI	F I R M	RES	DEFICIENCIES											
																	VALU	TW	KW	SM	V P	TX	SX	DU	SK	SP	VI	FR
1981 STANDARD	S	61.7	39.5	20	2	15.1	75.4	53.0		3	50	0.61	462	13.4	9.0	5.53	6.0	4										
ALDURA		62.8	46.5	77	0	13.5	75.8	55.4		3	37	0.56	375	11.6	13.0	6.20	4.7	4										
GEM		63.8	54.3	87	0	12.8	76.7	56.2		3	40	0.52	379	10.9	10.5	6.00	4.8	2										
JORI		62.0	57.1	86	0	14.9	75.6	55.7		3	33	0.56	255	12.9	11.0	6.31	5.0	4										
MEXICALI		61.9	56.8	85	1	12.4	77.6	56.7		5	37	0.50	446	10.9	12.5	6.96	4.8	1										
PRODURA		62.9	47.1	74	1	14.0	75.4	55.2		3	27	0.57	326	12.1	11.0	6.20	4.7	4										
1000 D		61.1	51.5	80	1	13.6	74.0	55.4		4	17	0.60	397	12.0	11.5	7.47	4.4	4										
5003		61.9	54.6	86	1	12.7	77.2	56.3		4	30	0.61	305	10.8	13.5	6.52	5.3	2										

DEFICIENCIES	TW	KW	SM	WP	TX	SX	DU	SK	SP	VI	FR
AVG OF STANDARDS	61.7	39.5	2	15.1	75.4	53.0	50	13.4	9.0	5.53	
MINOR FAULTING VALUES	59.5	37.4	7	12.5	72.9	50.0	60	11.5	8.0	4.03	
MAJOR FAULTING VALUES	58.6	34.4	12	11.5	71.9	49.0	65	11.0	7.5	3.28	

• O EVALUATION 1= NO PROMISE, 2= LITTLE PROMISE, 3= SOME PROMISE, 4= GOOD PROMISE

STATE=ARIZONA STATION=MOHAVE VALLEY NURSERY=SPECIALS

VARIETY	STD	TW	1000 KWT	X LG SM	WHT PAD	TOT EXT	SEMO EXT	DUS	MX	SPK	SEMO MIN	FALL NO	SEMO PRO	VI	FIRM	RES	VALU	DEFICIENCIES											
																		TW	KW	SW	UP	TN	SX	DU	SK	SP	VI	FR	
1981 STANDARD	S	61.7	39.5	45.2	68	11	15.1	75.4	53.0	3	50	0.61	462	18.7	13.0	5.53	6.0	4											
GENURA		61.5	54.6	88	0	9.13	75.4	49.4		1	17	0.39	498	8.7	10.5	5.79	5.4	1											
JORI		61.8	51.8	77	1	11.1	75.6	52.3		1	10	0.5																	
MEXICALI		60.0	50.8	43	1	9.2	76.1	48.5		2	23	0.63	429	9.7	11.5	5.66	5.2	1											
PRODURA		62.2	45.7	71	1	10.9	45.3			1	10	0.58	449	9.5	9.0	5.77	4.7	1											
1000 D		58.5	49.3	80	0	10.0	74.4	49.3		3	30	0.64	423	9.2	10.0	5.33													
SOD3		60.2	49.5	80	1	9.9	74.8	50.3		3	30	0.68	464	9.1	12.5	5.77	5.3												

DEFICIENCIES	TW	KW	SM	UP	TX	SX	DU	SK	SP	VI	FR
AVG OF STANDARDS	61.7	39.5	2	15.1	75.4	53.0	50	13.4	9.0	5.53	
MINOR FAULTING VALUES	59.5	37.4	7	12.5	72.9	50.0	60	11.5	8.0	4.03	
MAJOR FAULTING VALUES	58.6	34.4	12	11.5	71.9	49.0	65	11.0	7.5	3.28	

• O EVALUATION 1= NO PROMISE, 2= LITTLE PROMISE, 3= SOME PROMISE, 4= GOOD PROMISE

8200103



### Area of Adaptation

D-5003 can be grown in all irrigated **durum** growing areas of California and Arizona. D-5003 has not been evaluated in other areas of the United States. It is recommended **that** D-5003 be grown as a feed grain due to its **susceptability** to yellow berry, although by proper fertility and irrigation management, the percentage of yellow berry can be reduced.

8200103



TABLE II

Lodging Percent

	<u>D-5003</u>	<u>Mexicali 75</u>	<u>Aldura</u>
Kings County	3%	14%	3%
Kings County	3%		3%
U.C.D.	3%		3%
Tulare County	2%		0%
Average	2.75%	14.0%	2.25%

TABLE III

Yellow Berry Percentage

	<u>D-5003</u>	<u>Mexicali 75</u>	<u>Aldura</u>
Kings County	40%	4%	3%
Tulare County	46%		5%
Sutter County	96%		30%
U.C.D.	10%		4%
Arizona	14%	6%	1%
Average	41.0%	5.0%	8.6%

LAW OFFICES  
**FRISENDA, QUINTON & NICHOLSON**  
 A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

JAMES A. QUINTON  
 RESIDENT PARTNER

425 PARK AVENUE  
 5TH FLOOR  
 NEW YORK, NEW YORK 10022  
 FAX: (212) 754-6262  
 TELEPHONE: (212) 223-1005

11755 WILSHIRE BOULEVARD  
 10TH FLOOR  
 LOS ANGELES, CALIFORNIA 90025  
 FAX (310) 479-6978  
 TELEPHONE (310) 478-4540

February 3, 1997

Dr. Marsha A. Stanton  
 Commissioner  
 Plant Variety Protection Office  
 NAL Building, Room 500  
 10301 Baltimore Boulevard  
 Beltsville, MD 20705-2351

Re: Plant Variety Protection Certificates  
 Our File: 332-2

Dear Dr. Stanton:

Enclosed is an Assignment for Plant Variety Protection Certificates for recordation. Would you be so kind as to cross reference the assignment to the following Plant Variety Protection Certificates. The assignor is **GERMAIN'S, INC.** (a Delaware Corporation) 4782 East Jensen Avenue, Fresno, CA 93725 and the assignee is **GERMAIN'S SEEDS, INC.** (a Nevada Corporation) 2700 Sunset Road, Suite C-25, Las Vegas, NV 89120.

The Plant Variety Protection Certificates are listed as follows:

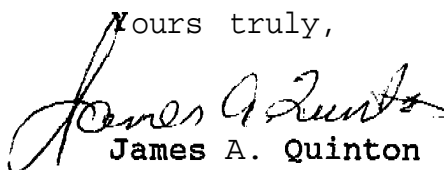
<u>NUMBERS</u>	<u>ISSUED</u>	<u>CROP &amp; VARIETY</u>
8200103	9/23/82	Wheat, Durum D-5003
8000092	5/31/85	Barley
7600079	12/20/76	Wheat, Common W-444
9300098	6/30/95	Cotton, <b>Germain's</b> GC-210
9300099	6/30/95	<b>Germain's</b> Acala GC-610

Kindly return the recorded assignments to the undersigned. Enclosed is a check in the sum of \$125.00 (\$25.00 per certificate) to cover the recordation fee for the certificates.

Dr. Marsha A. Stanton  
February 3, 1997  
Page 2

Please contact the undersigned if there is anything further  
that you may require.

Yours truly,

A handwritten signature in cursive script, appearing to read "James A. Quinton".

James A. Quinton

JAQ:s1  
Encls.

ASSIGNMENT OF PLANT VARIETY PROTECTION CERTIFICATES

WHEREAS, CERMAIN'S, INC., a Delaware corporation with its principal place of business at 4782 East Jensen Avenue, Fresno, California 93725 ("Assignor") is the owner of the Plant Variety Protection Certificates set forth in the annexed Schedule;

WHEREAS, **GERMAIN'S SEEDS, INC.**, a Nevada corporation with its principal place of business at 2700 Sunset Road, Suite C-25, Las Vegas, Nevada 89120 ("**Assignee**") is acquiring said Plant Variety Protection Certificates pursuant to the Purchase Agreement dated October 30, 1996 among Assignor and Assignee and certain other parties (the "Purchase Agreement");

NOW, THEREFORE, in consideration of the terms and conditions of the Purchase Agreement and other good and valuable consideration, receipt of which is hereby acknowledged, Assignor hereby assigns to Assignee all of **Assignor's** rights, title, and interest in and to the said Plant Variety Protection Certificates identified in the annexed Schedule.

Assignor further agrees that it will execute any other document or assignment reasonably required to perfect or record

ownership of the Plant Variety Protection Certificates.

Dated: November 16, 1996

GERMAIN'S, INC.

Seal

By

Name: Denis Mulhall

Title: Chief operating Officer

Before me, this 19th day of November, 1996, personally appeared Denis Mulhall to me personally known to be the Chief operating officer of **GERMAIN'S, INC.** who is described in and who executed the above instrument on behalf of **GERMAIN'S, INC.**, and acknowledged to me that he executed the same by authority of the Board of Directors for the purpose therein set forth.

Michelle Nova

NOTARY PUBLIC

MICHELLE NOVA

NOTARY PUBLIC

MY COMMISSION EXPIRES FEB. 28, 2000

## SCHEDULE

PLANT VARIETY PROTECTION CERTIFICATES

<u>NUMBER</u>	<u>ISSUED</u>	<u>CROP &amp; VARIETY</u>
8200103	9/23/82	Wheat, Durum D-5003
8000092	5/31/85	Barley
7600079	12/20/76	Wheat, Common W-444
9300098	6/30/95	Cotton Germain's GC-210
9300099	6/30/95	Germain's Acala GC-610



RECORDATION FORM COVER SHEET  
PVP CERTIFICATES ONLY

To the Acting Commissioner of the Plant Variety Protection Office. Please record the attached original documents or copy thereof.

<p>1. Name of conveying party(ies):</p> <p style="text-align: center;"><b>GERMAIN'S SEEDS, INC.</b></p> <p> <input type="checkbox"/> Individual(s)      <input type="checkbox"/> Association  <input type="checkbox"/> General Partnership      <input type="checkbox"/> Limited Partnership  <input checked="" type="checkbox"/> Corporation - State <u>Nevada</u>  <input type="checkbox"/> Other _____         </p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>2. Name and address of receiving party(ies):</p> <p><b>Name: <u>BANKAMERICA BUSINESS CREDIT, INC.</u></b></p> <p>Street Address: <u>55 South Lake Avenue, Suite 900</u></p> <p>City: <u>Pasadena</u> State: <u>California</u>          ZIP: <u>91101</u></p> <p> <input type="checkbox"/> Individual(s) citizenship _____  <input type="checkbox"/> Association _____  <input type="checkbox"/> General Partnership _____  <input type="checkbox"/> Limited Partnership _____  <input checked="" type="checkbox"/> Corporation-State <u>Delaware</u>  <input type="checkbox"/> Other _____         </p> <p>If assignee is not domiciled in the United States, a domestic representative designation is attached: <input type="checkbox"/> Yes <input type="checkbox"/> No          (Designation must be a separate document from Assignment)          Additional name(s) &amp; address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No         </p>
<p>3. Nature of conveyance:</p> <p> <input type="checkbox"/> Assignment      <input type="checkbox"/> Merger  <input type="checkbox"/> Security Agreement      <input type="checkbox"/> Change of Name  <input type="checkbox"/> Other _____         </p> <p>Execution Date: <u>June 23, 1998</u></p>	

4. PVP certificate identifying information:

A. PVP No.: 8200103

B. Date certificate issued or application filed: 09/23/82

C. Variety: "D-5003" Wheat, durum

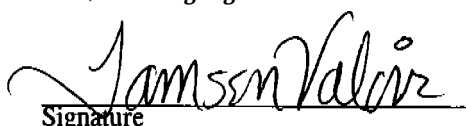
Additional numbers attached? ☐ Yes ☐ No

<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Name: <u>Tamsen Valoir</u>  <u>Jenkins &amp; Gilchrist</u></p> <p>Internal Address: _____</p> <p>Street Address: <u>1445 Ross Avenue.</u>  <u>Suite 3200</u></p> <p>City: <u>Dallas</u> State: <u>Texas</u> Zip: <u>75202-2799</u></p>	<p>6. Total number of PVP applications or certificates involved: <u>1</u></p> <p>7. Total fee (37 CFR 3.41): \$ <u>25.00</u></p> <p> <input type="checkbox"/> Enclosed  <input type="checkbox"/> Authorized to be charged to deposit account.         </p> <p>8. Deposit Account number: _____</p> <p>(Attach duplicate copy of this page if paying by deposit account)</p>
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**DO NOT USE THIS SPACE**

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Tamsen Valoir            June 30, 1998  
 Name of Person Signing      Signature      Date

Total number of pages comprising cover sheet: 1

PVP CERTIFICATE SECURITY AGREEMENT

WHEREAS, **GERMAIN'S SEEDS, INC.**, a Nevada corporation ("Assignor"), having a business address of 4782 E. Jensen Ave., Fresno, CA 93725, is the owner of the issued Plant Protection Act (**PVP**) certificate(s) **listed below**; and

WHEREAS, **BankAmerica Business Credit, Inc.**, a Delaware corporation, having an office at 55 South Lake Avenue, Suite 900, Pasadena, California 91101 as "Agent" for the "Lenders" as **defined** and described in the **Loan** and Security Agreement dated as of June 23, 1998 ("Assignee"), is desirous of acquiring a SECURITY INTEREST in such PVP certificate(s);

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, said Assignor does hereby sell, assign, transfer and set over unto the said Assignee a SECURITY INTEREST in, to, and under the PVP certificate(s):

No. 8200103  
No. 8000092  
No. 9300098  
No. 9300099

**GERMAIN'S SEEDS, INC.**

By: \_\_\_\_\_

Printed Name: **Henry A. Ingalls**

Title: Vice President

STATE OF TEXAS

§

§

COUNTY OF **DALLAS**

§

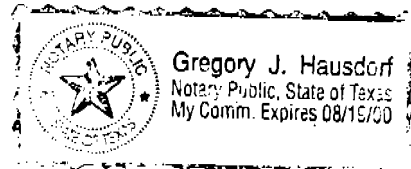
Henry A. **Ingalls**, Vice President, of **GERMAIN'S SEEDS, INC.**, personally appeared before me, and being first duly sworn declared that he signed the security agreement in the capacity designated, and, further states that he has read the above security agreement, and the statements therein contained are true.

**SUBSCRIBED AND SWORN TO** before me this 23 day of June, 1998.

\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Printed Name



UNITED STATES DEPARTMENT OF AGRICULTURE  
PLANT VARIETY PROTECTION OFFICE

CERTIFICATE OF MAILING

BOX ASSIGNMENT

Acting Commissioner of the Plant Variety Protection Office  
Plant Variety Protection Office  
10301 Baltimore Blvd.  
Beltsville, MD 20705-2351.

Dear Sir:

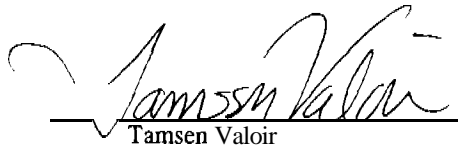
I hereby certify that this correspondence,

74 Cover sheets  
74 Assignments  
Check in the amount of \$1,850.00 (74 x \$25.00)  
74 Return postcards

for the attached (in Exhibit A) PVP certificate numbers are being deposited with the  
United States Postal Service as Express Mail, mailing label number EE507465254US, postage  
prepaid, in an envelope addressed to:

BOX ASSIGNMENT

Acting Commissioner of the Plant Variety Protection Office  
Plant Variety Protection Office  
10301 Baltimore Blvd.  
Beltsville, MD 20705-2351.

  
Tamsen Valoir

Date: July 1, 1998

IPHOU:15412.1 20992-00039

Jenkins & Gilchrist  
A PROFESSIONAL CORPORATION  
100 LOUISIANA STREET, SUITE 1800  
HOUSTON, TEXAS 77002


TEXAS COMMERCE BANK, N.A.  
301 W. BEAUREGARD  
SAN ANGELO, TEXAS 76903

903870

DATE	AMOUNT
July 1, 1998	*\$1,850.00*

\*One Thousand Fifty Dollars and 00 Cents\*

ORDER U. S. Department Of Agriculture  
Plant Variety Protection Office

  
TWO SIGNATURES REQUIRED OVER \$2500  
VOID AFTER 180 DAYS  
NOT VALID FOR OVER \$5000

0903870 11113008801 06300009654